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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,981	09/22/2003	Johan Loccufier	27500-GN02117	1973
7590 01/30/2008 Joseph T. Guy Ph.D. Nexsen Pruet Jacobs & Pollard LLP 201 W. McBee Avenue Greenville, SC 29603			EXAMINER SCHWARTZ, PAMELA R	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 01/30/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/667,981	Applicant(s) LOCCUFIER ET AL.	
	Examiner Pamela R. Schwartz	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7, 9-11, 13-15, 17-23, 25 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) 18-23, 25 and 29-33 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 9-11, 13-15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-3, 5-7, 9-11, 13-15, 17-23, 25 and 28-33 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claim 28 is allowed.
2. Claims 1-3, 5-7, 9-11, 13-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satou et al (6,808,768) in view of Avar (4,730,017) for reasons of record and for reasons given below. With respect to the amendment to claim 1, the medium should inherently be able to perform the claimed function. While the examiner is not in a position to test to prove this assertion, it is consistent with applicants' position that a recording material containing a binder and a compound in accordance with the claimed formula will perform the function.
3. Applicant's arguments filed November 13, 2007 have been fully considered but they are not persuasive. The primary reference discloses an ink absorbing layer for an ink jet recording medium which may contain one or more organic polymers as binders. The primary reference suggests inclusion of hindered amine light stabilizers to improve light fastness of a printed image. The materials of Avar are taught as stabilizing polymers and coatings that contain organic polymers including some of the polymers disclosed as binders in the primary reference. This disclosure is not limited to a particular use or to a particular coating composition as suggested by applicants. Automotive finishes are only a single category of materials named by the secondary reference which states that the stabilizers are "useable in a wide range of polymeric materials." (Co. 8, lines 16-21). Based upon these teachings, one of ordinary skill in the art would have expected successful use of these compounds with the polymers taught in the secondary reference. Applicants point out another alleged distinction concerning the location of the stabilizer and the coating which is intended to be protected. This is

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not patentably significant, because there is a motivation for including the stabilizer with the binder and that is all that is required in applicants' claim 1. The ink jet material of the combination is "capable of stabilizing an ink-jetted image thereon" which is all that is required to meet the instant claim language. Even so, contrary to applicants' assertions, Satou et al. in fact do include light stabilizers for the same purpose that applicants now recite at the end of claim 1. The reference states "[i]t is preferred for at least one ink absorbing layer to contain a ...light stabilizer... These substances, if contained, improve light fastness of a printed image." (col. 8, lines 7-24). Applicants claim recites "wherein said ink jet recording material is capable of stabilizing an ink-jetted image thereon against color fading due to light." Therefore, while unnecessary for the rejection to be proper, the problem which applicants intend to solve is disclosed by the primary reference.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pamela Schwartz whose telephone number is (571) 272-1528.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano, can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRSchwartz
January 25, 2008

A handwritten signature in black ink, appearing to read 'Pamela R. Schwartz', with a stylized flourish at the end.

PAMELA R. SCHWARTZ
PRIMARY EXAMINER